

Exhibit B-2

**Excerpts from the Deposition of Keisha Jones, dated January 10, 2013,
Pages 95-191**

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1 KEISHA JONES

2 other source of employment other than that one
3 month that you worked in July of 2012?

4 A. Not full-time, no.

5 Q. Any part-time?

6 A. No.

7 Q. Have you received any income since
8 March, 2010 other than unemployment benefits and
9 from Manpower?

10 A. I haven't worked temp since.

11 March, 2010 and then the one month in July of
12 2012.

13 Q. During that time period did you
14 have any other source of income other than
15 unemployment benefits?

16 A. No.

17 Q. Have you ever been employed by
18 Lehman Brothers?

19 A. Yes.

20 Q. When?

21 A. 1996 to 2000 -- either 2003 or '4.
22 I forget the exact termination date. But I think
23 that is correct.

24 Q. Where were you employed prior to
25 March, 2008?

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1 KEISHA JONES

2 A. After Lehman Brothers I was at
3 Chase. I think it was 2003 or '4 to '5 and from
4 there I was doing free-lance work.

5 Q. What type of free-lance work?

6 A. Business writing. Business
7 development.

8 Q. What do you mean? Describe the
9 nature of that work?

10 A. If someone wanted me to type up a
11 business proposal or help them put together a
12 business proposal. That is an example of business
13 writing.

14 Q. Did you conduct this business under
15 the name ILV Enterprise?

16 A. No.

17 Q. This was work that you did individually?

18 A. After 2005.

19 Q. How much did you gross from that
20 consulting work?

21 A. Not much.

22 Q. Estimate.

23 A. I don't know. Not much. I don't
24 know.

25 Q. How often were you working?

1 KEISHA JONES

2 A. Commerce Bank.

3 Q. Did you have any type of utility,
4 phone, any other business service account under
5 the name ILV Enterprise?

6 A. I did, I had phone service.

7 Q. Through ILV Enterprise?

8 A. Correct.

9 Q. With what company?

10 A. Sprint and -- well Nextel which
11 became Sprint.

12 Q. Rather than being under your name
13 it was under the name ILV Enterprise?

14 A. That's correct.

15 Q. Is there anyone else who worked for
16 ILV Enterprise?

17 A. No.

18 Q. Did you have any other accounts
19 under ILV Enterprise?

20 A. Not that I recall, I kept it invest
21 minimal and streamline because my goal was to make
22 sure that similar to my credit, that my business
23 credit was stellar.

24 Q. Did you use your business credit in
25 any way?

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2 A. No. I didn't have any kind of
3 credit cards or loans or anything like that out,
4 no. No business loans, nothing like that.

5 Q. Any other type of account, a
6 business account using ILV Enterprise?

7 A. I don't recall anything other than
8 checking and phone and I don't recall anything
9 else.

10 Q. Did you maintain business records
11 for the entity?

12 A. I did for my taxes.

13 Q. Where are those documents now?

14 A. I don't know. I don't know if I
15 still have those physical tax returns because when
16 I called the IRS it was my understanding that if I
17 need to get documents I could get documents.

18 Q. From 2001 to 2000 -- the beginning
19 of 2005, did you do any consulting separate from
20 ILV Enterprise?

21 A. No.

22 Q. What was the business address for
23 the entity?

24 A. 1202 Lexington Avenue.

25 Q. What was that address?

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1 KEISHA JONES

2 A. I'm sorry?

3 Q. What was that address?

4 MR. MALLON: Objection, form.

5 A. 1202 Lexington Avenue.

6 Q. What is at 1202 Lexington Avenue?

7 A. It's a mailing address. A street
8 address.

9 Q. Why did you use that address for
10 the entity?

11 A. Because the -- because I wanted to
12 make sure that I kept all the records and
13 information separate from my personal.

14 Q. So you -- how did you -- did you
15 use that address for the business's accounts?

16 A. Yes.

17 Q. For invoices and receipts?

18 A. Yes.

19 Q. Payments were made to you for your
20 consulting services through that address?

21 A. Payments were made to the business
22 or if it wasn't a physical payment mailed then it
23 was electronic. Then it was electronic.

24 Q. When they were made to the business
25 they were made at that address?

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2 A. If it was mailed, yes.

3 Q. How did the identity theft affect
4 the business?

5 A. It was my -- it was my contention
6 and still remains my contention that my personal
7 and business information was stolen or compromised
8 at Commerce Bank. While I didn't maintain any
9 personal accounts at Commerce Bank, because I kept
10 my business separate from my personal, so I didn't
11 have personal accounts at Commerce Bank they did
12 have my personal information.

13 Through discovery and dealing with
14 NYPD certain things came up where I realized that
15 my information had been compromised. My personal
16 information, my driver's license at the time as
17 well as the accounts.

18 Q. When was that?

19 A. That was -- I discovered that at
20 the top of -- 2004, 2005.

21 Q. Is the business still operating?

22 A. No.

23 Q. What happened to it?

24 A. It is closed.

25 Q. When did you close it?

1 KEISHA JONES

2 A. It was -- I don't recall the date
3 that it was closed, but I didn't close it. But it
4 is closed.

5 MR. KARAMOUZIS: Can you read back
6 the last answer?

7 (Requested portion of record read.)

8 Q. Have you used the address on
9 Lexington Avenue for any purpose since?

10 A. No.

11 Q. Is that still an address that is
12 available to you to use?

13 A. No.

14 Q. Who is located at that address?

15 A. That was a -- at the time it was
16 Mailboxes Etc.

17 Q. So you were using an address at
18 Mailboxes Etc. to run your business?

19 A. For my business, correct.

20 Q. And that was at the same time that
21 you were using the P.O. Box for your personal
22 mail?

23 A. My corporation business was
24 separate from my personal business.

25 Q. Was there any correspondence

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2 walked out on a prospective job because they
3 listed your name and social security number on a
4 form?

5 A. There was a temporary job that I
6 went through a temp agency for and when I got to
7 the site they wanted me to give all my personal
8 information again and then I called the agency to
9 ask them why am I doing all of this. And they
10 didn't really have an explanation, so, yes, now I
11 do recall that.

12 Q. So what happened?

13 A. So I asked them why do I have to
14 give all of this information because I had never
15 done that with a temp agency before. And they
16 just -- at that time they said that is how the
17 client is doing things. They didn't tell me that
18 beforehand.

19 Q. So what was the outcome?

20 A. I left the assignment because they
21 didn't tell me -- they didn't give me -- they
22 didn't tell me that up front to let me know that I
23 won't be working with the -- I wouldn't be on the
24 temp agency's payroll. They said I would be on
25 the client's payroll.

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2 Q. What information did they want from
3 you that you refused to provide?

4 A. They wanted all personal
5 information. Date of birth, social security
6 number, whatever forms they had. They were
7 duplicate in terms of things that I filled out
8 with that temp agency.

9 Q. Because you disagreed you walked
10 out?

11 A. Well, I didn't walk out. Initially
12 I called the temp agency to ask the question, and
13 we had a conversation while I was there.

14 Q. Has that occurred any other time?

15 A. No.

16 Q. Do you list your personal
17 information on your resume?

18 A. No, I do not.

19 Q. What information do you list in
20 your resume?

21 A. Name and contact phone number.

22 Q. Do you list an address on your
23 resume?

24 A. I do not.

25 Q. Do you list any other identifiers

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2 other than your name and phone number?

3 A. I do not.

4 Q. You refer to this as confidential
5 information?6 A. I wouldn't say it is confidential
7 but on my resume given all that I experienced over
8 the last now eight years I give what is a
9 necessary. And if I'm giving my resume it is with
10 the intent for someone to decide if they want to
11 speak to me. So if they want to speak to me based
12 on what is on my resume, they could call me.13 Q. If asked, will you provide them
14 with other information other than your name and
15 phone number?16 MR. MALLON: Objection, calls for
17 hypothetical.

18 A. Say again, I'm sorry.

19 Q. Have you ever been asked for
20 information other than your name and phone number
21 by prospective employers?22 A. Yes, and we are moving toward -- we
23 will be moving toward application or some sort of
24 offer, so, yes.

25 Q. In those circumstances did you

1 KEISHA JONES

2 provide more information other than your name and
3 phone number?

4 MR. MALLON: Objection, form.

5 A. Yes. Once we got past the resume
6 stage.

7 Q. What do you mean by that?

8 A. So I would -- if you're looking for
9 a job you submit a resume. So whenever I --
10 whenever I selectively submitted a resume it had
11 my name and phone number and a very succinct
12 detail of my experience. And then if I'm called
13 in for an interview and they ask me to move
14 forward with the process because they have
15 something for me or we are going to work together,
16 I proceed with filling out whatever forms they
17 would want. But I don't offer the information
18 upfront.

19 Q. For how long has than been your
20 practice?

21 A. That has been my practice for the
22 last few years. I give what is necessary.

23 Q. For how long have you -- was there
24 a time when you had more personal information on
25 your resume than just your phone and name?

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2 A. Probably more than ten years ago.

3 Probably back in the '90s when there wasn't this
4 proliferation of fraud. Back when I was let's say -- when
5 I was in graduate school if I submitted a resume
6 it was probably traditional format. Name, address
7 phone number.8 Q. Since the '90s you have listed only
9 your name and phone number?10 A. The last few years on a resume and
11 I'm selective where it goes.12 Q. At this point in time are you on
13 any government assisted program?

14 A. Yes, I receive food stamps.

15 Q. Since when?

16 A. Since March of last year.

17 Q. March, 2012?

18 A. Yes.

19 Q. Where do you receive those?

20 A. What do you mean where do I receive
21 them?

22 Q. How are they distributed?

23 A. On an EBT card.

24 Q. Is that a plastic card?

25 A. Yes.

1 KEISHA JONES

2 Q. Where did you receive that card?

3 A. I receive the card it was mailed to
4 me in 2012.

5 Q. What address do you use for
6 purposes of the food stamp program?

7 A. The P.O. Box 634.

8 Q. Do they have any physical address
9 for you?

10 A. No.

11 Q. Are you on any other government
12 assisted programs?

13 A. No.

14 Q. Have you been in the last ten
15 years?

16 A. Ten years? 2002 -- no.

17 Q. What was the annual revenue of ILV
18 Enterprise?

19 A. I don't recall, but it wasn't much
20 because I was starting the business and working
21 full-time at the same time.

22 Q. Estimate.

23 A. Less than 5,000.

24 Q. Annually?

25 A. I would say yes.

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2 Q. What was the highest annual revenue
3 for the entity?

4 A. I don't recall but it wasn't high.

5 So I will say and I'm -- I don't recall because
6 I'm -- I just don't recall, definitely less than
7 20,000.

8 Q. So it never exceeded 20,000
9 annually?

10 A. I don't believe so.

11 Q. Do you currently have any bank
12 accounts?

13 A. I do.

14 Q. With which banks?

15 A. I have a Citibank account.

16 Q. Any other?

17 A. No.

18 Q. What type of account?

19 A. Checking savings.

20 Q. Do you hold those accounts alone or
21 are they joint accounts?

22 A. Individual.

23 Q. How long have you had those?

24 A. A long time.

25 Q. Since the '90s?

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2 2000?

3 MR. MALLON: Objection, asked and
4 answered.

5 A. I would have to look at my
6 balances.

7 Q. Do you have any recollection of it
8 ever exceeding 2000?

9 A. I have to look at my balances. It
10 is simple enough to look at a particular point in
11 time.

12 Q. When you filed the lawsuit, do you
13 recall filling out an application to forego
14 payment of the filing fee?

15 A. Yes.

16 Q. Do you remember being asked in the
17 form whether you had any money in your checking
18 and savings accounts?

19 A. I don't remember what the questions
20 were specifically, but I do recall the form asking
21 me if I had -- basically in essence asking me if I
22 had any resources to pay and I said I receive
23 unemployment. And that was the extent of my
24 resources.

25 Q. Did you have any money in your

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2 account at that time?

3 A. There had to be something in the
4 account or else it would have closed automatically.
5 So there was something, I don't know exactly what.

6 Q. Can you estimate what that
7 something was in December, 2011?

8 MR. MALLON: Objection, asked and
9 answered.

10 A. No.

11 Q. Can you characterize -- was it
12 under 5,000?

13 A. I don't recall.

14 Q. Might it have been over 5,000?

15 A. I don't recall.

16 Q. Do you have any other investments
17 or assets?

18 A. I don't have any assets.

19 Q. Do you have any investments?

20 A. No.

21 Q. Do you own anything other than your
22 personal effects?

23 A. You mean such as what?

24 Q. Such as clothes and --

25 A. I own clothes, yes.

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2 Q. Other than clothes and your
3 personal items, do you own anything else?

4 A. Such as?

5 Q. Any other type of property?

6 A. I don't have -- are you talking
7 about real estate?

8 Q. Do you own any real estate?

9 A. I don't own any real estate.

10 Q. Do you own any -- I will come up
11 with some examples. Any types of annuities?

12 A. No, I don't have an annuity.

13 Q. Any accounts receivable, stocks?

14 A. All of that -- no.

15 Q. IRA plans?

16 A. I don't have any -- I don't have
17 any -- I don't have any investment assets. My
18 accounts are still physically open with a penny or
19 dollar, whatever it may be. The accounts are
20 physically there, there are no assets in those
21 accounts.22 Q. Other than clothing, books,
23 household goods, furnishings, do you have any
24 other property that you own, personal or real?

25 A. I do not.

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2 Q. Where is she located?

3 A. She was in Manhattan at the time.

4 I don't know where she is now.

5 Q. What firm?

6 A. She was independent at the time, so
7 it was just her.

8 Q. Do you have any documents
9 concerning the action?

10 A. No. I haven't seen -- I haven't
11 come across them in cleaning or --

12 Q. Was any other party involved other
13 than you and the flooring company?

14 A. No.

15 Q. You don't remember the name of the
16 flooring company?

17 A. I don't recall.

18 Q. Do you have any documents at home
19 that would indicate?

20 A. No. Actually I have not seen
21 those, but since it was removed from small claims
22 I'm sure it is on file.

23 Q. How was the case resolved?

24 A. It wasn't. Annette and I can't
25 remember her last name, when that was going on

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2 shortly thereafter that is when the fraud
3 happened. This as '04 probably going into '05 and
4 I couldn't afford to pay her, so she referred me
5 to another attorney and I don't remember that
6 woman's name. And she just dropped the ball and
7 nothing happened.

8 Q. Was the case dismissed?

9 A. I would assume so because she
10 dropped the ball. She stopped communicating and I
11 ended up in court because she wanted to be off the
12 case and when I got to court I saw she was like
13 nine months pregnant. I didn't even know. Just
14 nothing happened.

15 Q. Did you recover anything in that
16 action?

17 A. No.

18 Q. Have you been a party to any other
19 lawsuit?

20 A. No.

21 Q. Have there been any claims against
22 you by the IRS?

23 A. Oh, yes, I have spoken to the IRS
24 and I'm in the process of clearing that up.

25 Q. What do you mean?

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2 A. Back taxes.

3 Q. Do you owe back taxes?

4 A. Yes.

5 Q. For which years?

6 A. I don't have that information in
7 front of me, but it's a couple of years.8 Q. When is the last time -- do you owe
9 back taxes for 2011?

10 A. Yes.

11 Q. Do you owe back taxes for 2010?

12 A. I don't know if '10 was a year that
13 I owed money.14 Q. For how many years do you owe
15 taxes?16 A. I don't recall. Offhand it is not
17 like it is consecutive years. I would have to go
18 back and look at my file.

19 Q. More than five?

20 A. I don't think so, but I have to
21 look at my file.

22 Q. Where are those files?

23 A. I have them.

24 Q. Where?

25 A. I have them at home.

1 KEISHA JONES

2 Q. Where do you keep them?

3 A. I have them in an IRS folder.

4 Q. Have they filed any proceeding or
5 liens against you?

6 A. No.

7 Q. Did you owe back taxes for 2004?

8 A. I'm not sure because there is a
9 sticking point with the IRS because I was working
10 and running my business at the same time and when
11 I was at Lehman Brothers I had stocks, so there is
12 a period where we are not clear on what is owed.

13 Q. They claim that you owe taxes for
14 2004?

15 A. They are claiming that I owe money
16 for a sale of stock, but I'm not really sure about
17 that.

18 Q. Do they claim you owe money for
19 2005?

20 A. I would have to look at my records,
21 but I don't think so.

22 Q. Have any states brought any tax
23 liens against you?

24 A. Not that I'm aware of.

25 Q. Have you ever filed for bankruptcy?

1 KEISHA JONES

2 A. I did.

3 Q. How many times?

4 A. Once.

5 Q. When?

6 A. That was in '06 after the identity
7 theft. So a year or so after the identity theft.

8 Q. Why did you file bankruptcy?

9 A. Because it was at the time it was --
10 the fraud and everything that was going on, it was
11 overwhelming, I wasn't able to maintain my status,
12 my professional status, it was just overwhelming,
13 I couldn't do it. It literally made me sick. So
14 someone made the suggestion and I said, well, you
15 know, if it is going to get me some relief then
16 that is what I need right now.

17 Q. Did you seek an attorney?

18 A. I did try to find an attorney, I
19 could not find one, so I just followed
20 instructions.

21 Q. Proceeding on your own?

22 A. Right.

23 Q. What was the outcome?

24 A. It was dismissed.

25 Q. Why?

1 KEISHA JONES

2 A. I didn't follow through all the way
3 and I couldn't find an attorney, so I just -- I
4 just had to let it go because it was too much.

5 Q. When you say you failed to follow
6 through, did you fail to make payments?

7 A. I don't think we even got to that
8 point.

9 Q. Did you pay for the filing fees?

10 A. I don't recall.

11 Q. Did you provide all the documentation
12 that they required?

13 A. I believe I submitted what I could.
14 But I was quite overwhelmed with the fraud because
15 that was in '06 and that was prior to the state
16 enacting the Security Freeze Law, so there was no
17 relief. There was no help for identity theft
18 victims at the time.

19 Q. Have you filed for bankruptcy at
20 any point since?

21 A. No.

22 Q. So your debts were not discharged?

23 A. No.

24 (Jones Exhibit 3 for identification,

25 Copy of the petition and schedules filed by

1 KEISHA JONES

2 Miss Jones in the bankruptcy action.)

3 Q. I show you what is marked as Jones
4 Exhibit 3. Is this a copy of the petition and
5 schedules that you filed in the bankruptcy action.

6 (Witness reviewing document.)

7 A. Is there a question?

8 Q. Yes. Is this a copy of the
9 petition and schedules that you filed in the
10 bankruptcy action?

11 A. Yes.

12 Q. Your answer is yes?

13 A. Yes.

14 Q. Is that your signature that appears
15 on the third page?

16 A. Page three, yes.

17 Q. Let's look at Schedule E which is
18 more midway through.

19 A. Schedule E?

20 Q. Yes, Schedule E. That looks like
21 it there.

22 A. Yes.

23 Q. Do you see Schedule E?

24 A. Yes.

25 Q. You indicate on Schedule E that

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1 KEISHA JONES

2 there are two claims against you from the IRS, one
3 in 2004 and one in 2005; is that right?

4 A. That's what it says here.

5 Q. This is your handwriting?

6 A. Yes, it is, yes.

7 Q. Did you ever pay on those claims
8 listed in Schedule E?9 A. No. One says to be determined and
10 the one from 2004, 1500, I think that stems from
11 the issue with the stock sale. I'm not really
12 sure.13 Q. Let's turn to the next schedule, F,
14 the next one. Can you identify creditors listed
15 here?16 A. The first one would be the student
17 loan. The second is the credit card.

18 Q. Which credit card?

19 A. It says credit card number one, so,
20 I don't know. I didn't put down the bank name on
21 here so I don't know which one. Credit card one
22 and credit card two. So I had two credit cards at
23 the time but I didn't put the bank name.24 Q. Which banks did you have credit
25 cards in 2005 -- 2006?

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1 KEISHA JONES

2 A. Probably one may have been Chase
3 and one may have been MBNA.

4 Q. You defaulted on both of those
5 cards?

6 A. Yes.

7 Q. They were both in the amount of
8 \$15,000?

9 A. At the time I may have estimated
10 what the balance was because they were both the
11 same. I don't know if they would have been the
12 same. I may have just put the limit on there.

13 Q. Do you know how much you defaulted?

14 A. I don't know.

15 Q. Did you ever pay the amount due?

16 A. No.

17 Q. What happened to those debts?

18 A. I don't know.

19 Q. Do you have any correspondence from
20 those entities?

21 A. No.

22 Q. Any reason to think that their
23 claim was not \$15,000 each?

24 A. I don't know. It could have -- I
25 don't know because it is strange that I -- I don't

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2 know if I had -- I don't remember if I had two
3 credit cards with the same exact limit. So I'm
4 not really sure.

5 Q. How much debt do you recall that
6 you had with credit card -- with those two credit
7 cards with MBNA?

8 A. I don't recall what the balance due
9 was. I did have -- when I was in good standing
10 prior to identity theft I had high limits because
11 I had good credit. So credit limit versus balance
12 due, I'm not a hundred percent sure. So I may
13 have just listed maybe what the credit limit was.
14 I don't recall.

15 Q. Had you borrowed up to the maximum
16 limit with both of these credit cards?

17 A. I don't think I did. But I'm not a
18 hundred percent sure right now.

19 Q. On the next page we look at
20 Schedule I where you listed your current income in
21 2006?

22 A. Yes.

23 Q. At 1500 a month. Is that accurate?

24 A. At the time.

25 Q. In 2006 you were -- your income was

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2 \$1500 a month?

3 A. Estimated.

4 Q. Is that right?

5 A. It says based on a \$18,000
6 contract, estimated.

7 Q. What do you mean by that?

8 A. I probably had a contract back then
9 at that amount. But it wasn't, you know, that was
10 the contract amount, but I don't think it was
11 fully executed.

12 Q. Who was that contract with?

13 A. Looking at this, I don't know.

14 Q. You see in the middle of the page
15 it indicates that the contract was fulfilled.

16 A. I don't know that it was fulfilled.
17 I may have wrote that saying \$18,000 -- I would
18 earn \$18,000 if the contract was fulfilled.

19 Q. Did you ever receive the \$18,000?

20 A. I don't think so. I don't think I
21 received the full 18,000.

22 Q. You were representing in this
23 document that the \$18,000 annual was income?

24 A. At the bottom of that page 17 I
25 wrote \$18,000 is a minimum that I will earn this

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2 Q. We will take a look at that later.

3 (Jones Exhibit 5 for identification,

4 Document filed in Miss Jones' bankruptcy
5 action.)

6 Q. I show you what is marked as Jones
7 Exhibit 5. Was this filed in your bankruptcy
8 action as well?

9 A. Is there a question?

10 Q. Is this a document that you filed
11 in your bankruptcy proceeding?

12 A. Yes, it appears to be one of the
13 attachments.

14 Q. The information here is true and
15 complete?

16 A. As of then, yes, that is what I
17 submitted.

18 Q. Here you also indicated that you
19 were paying 200 a month in medical expenses in
20 2006.

21 A. Approximately.

22 Q. Is that truthful?

23 A. It is what it was at the time.

24 Q. What were those costs, the basis
25 for those expenses?

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2 A. I don't recall.

3 Q. Has any other type of judgment been
4 entered against you? Any legal judgments?

5 A. Whatever is on my credit report,
6 that is what I know.

7 Q. What legal judgments are you aware
8 of that have been filed against you?

9 A. That has to do with the apartment.

10 Q. From the co-op --

11 A. Correct.

12 Q. And from the banks involved in that
13 mortgage?

14 A. Correct, yes.

15 Q. Any other judgments?

16 A. Not that I'm aware of.

17 Q. Have you ever been charged or
18 convicted of a crime?

19 A. No.

20 Q. I would like to discuss the
21 Commerce Bank action. Could you describe the
22 facts relevant to that lawsuit?

23 A. It was at the time it was my belief
24 that my identity theft stemmed from Commerce Bank.
25 I believe that what I read in the news even though

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2 those particular circumstances that was in the
3 news in '05 that bank employees were stealing
4 customer information and giving them to debt
5 collectors, that wasn't my issue because I didn't
6 owe anybody any money. I was in good standing
7 with excellent credit scores.

8 But I felt as though employees had
9 breached my accounts and took my information.
10 When I discover the missing money and contacted
11 the bank and they weren't being forthcoming with
12 any information, I just couldn't get any relief.
13 No one, other than NYPD, they were very helpful.
14 There was no recourse, no relief, no nothing for
15 identity theft victims at the time. So I felt
16 that was the only thing that I was able to do to
17 try to figure out what happened and get answers
18 and that is why I filed the case.

19 Q. The incident that you spoke about
20 regarding employees stealing personal information,
21 that was in New Jersey; is that right?

22 A. It was 2005, you do a Google search
23 using massive bank data theft and it will come up
24 with numerous stories and the banks involved were
25 Commerce and I believe Bank Of America and PNC and

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2 a couple of others. So the details are there.

3 Q. But the bank theft accessed reports
4 for customers of Cherry Hill, New Jersey; is that
5 right?

6 A. I don't know.

7 (Jones Exhibit 6 for identification,

8 Miss Jones' complaint against Commerce Bank.)

9 Q. I show you, Miss Jones, what is
10 marked as Exhibit 6. Do you recognize this
11 document?

12 A. Yes.

13 Q. What is it?

14 A. It is my complaint against Commerce
15 Bank.16 Q. That is your signature that appears
17 on page 14?

18 A. Yes.

19 Q. The allegations in here are true?

20 A. To my knowledge, yes.

21 Q. You signed it under oath?

22 A. Correct.

23 Q. You see on the second page,
24 paragraph eight?

25 A. Second page you said?

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2 Q. Yes. Look at paragraph eight, you
3 were describing the article that -- an article
4 regarding bank theft; is that right?

5 A. Yes.

6 Q. Is that the bank theft that you
7 spoke about today at your deposition?

8 A. Yes, that's one of several articles
9 that are online.

10 Q. And this instance involved
11 customers of a Cherry Hill, New Jersey based
12 Commerce Bank?

13 A. That was a part of the article,
14 correct.

15 Q. And that is what this incident of
16 theft involved, Cherry Hill based customers?

17 MR. MALLON: Objection, that clearly
18 misstates what the document says. Can we go
19 off the record for a second?

20 MR. STRAZZERI: Sure.

21 THE VIDEOGRAPHER: We are going off
22 the record at 2:10 p.m.

23 (Recess taken.)

24 THE VIDEOGRAPHER: We are back on the
25 record at 2:11 p.m.

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2 BY MR. STRAZZERI:

3 Q. The incident that you're describing
4 here in paragraph eight did not pertain to you or
5 your personal information; is that right?

6 MR. MALLON: Objection.

7 A. This is -- what I did was I cited
8 what I found online relative to what happened
9 regarding what I thought was a breach of customer
10 information, including mine. That was my
11 contention. That even though -- whatever the
12 article said, it said. I felt as though whatever
13 happened to me happened to hundreds of thousands
14 of other people at the same time, that it was all
15 part of the same fraud that was going on.

16 Q. Did you have any reason to believe
17 that your identity theft was a part of this larger
18 incident described in the paper?

19 A. I did. Once I read the articles in
20 the paper, I read those articles after I discovered my
21 money was stolen, I thought it was just all
22 related.

23 Q. Was it?

24 A. It is my contention that it was,
25 yes.

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2 Q. So you think your identity was
3 stolen in the context of the identity theft
4 described in this article?

5 MR. MALLON: Asked and answered.

6 A. I believe that the identity theft
7 stemmed from Commerce Bank.

8 Q. You alleged here that you opened an
9 account at Commerce Bank for your business, ILV
10 Enterprise, right?

11 A. Correct.

12 Q. And you opened it in February,
13 2004?

14 A. If that is what it says, I don't
15 recall.

16 Q. Take a look at paragraph 13.

17 A. Yes.

18 Q. Did you open any other account with
19 Commerce Bank other than in February of 2004?

20 A. No.

21 Q. And the account was in the name of
22 your business?

23 A. Correct.

24 Q. Looking down at paragraph 21 you
25 allege that you discovered that money was

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2 fraudulently withdrawn from your ILV Enterprise
3 account; is that right?

4 A. Correct.

5 Q. How much?

6 A. I don't recall. I don't know if it
7 is here or not.

8 Q. Does the number \$1,860 refresh your
9 recollection?

10 A. It is possible, but I don't recall
11 the exact dollar amount.

12 Q. Do you have any reason to think
13 that it was anything other than that amount?

14 A. I don't recall the exact dollar
15 amount.

16 Q. Do you have any reason to think
17 that it was more than that?

18 A. I don't recall the exact dollar
19 amount.

20 (Jones Exhibit 7 for identification,
21 Decision issued by the court in your Commerce
22 Bank action.)

23 Q. Take a look, Miss Jones, at
24 Exhibit 7. Do you see that this was a decision
25 issued by the court in your Commerce Bank action?

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2 A. Is the dollar amount here?

3 Q. Do you recognize the document as
4 the decision issued by the court in your action
5 against Commerce Bank?

6 A. Yes.

7 Q. Take a look at the second page,
8 does it indicate in the decision how much money
9 that you claim was withdrawn from the account at
10 Commerce Bank?11 A. I don't see it on page two. Unless
12 I'm just not seeing it.13 MR. KARAMOUZIS: Can we stipulate to
14 the amount? It's a matter of record in the
15 court.16 MR. MALLON: If it is a matter of
17 record we don't need to stipulate to
18 anything.19 MR. KARAMOUZIS: Here it is on the
20 first page of that document also.

21 MR. MALLON: Is there a question?

22 Q. Yes, I mean the question is how
23 much money do you claim was fraudulently withdrawn
24 from your account?

25 MR. MALLON: Objection, asked and

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2 answered.

3 MR. KARAMOUZIS: Does that document
4 refresh your recollection, the second one?

5 MR. MALLON: I have been handed a
6 document by Mr. Karamouzis, this hasn't been
7 marked as an exhibit yet. This is a separate
8 document.

9 MR. STRAZZERI: I will mark it just
10 for identification.

11 (Jones Exhibit 8 for identification,
12 Document.)

13 Q. Do those two documents, Miss Jones,
14 marked as Jones Exhibit 6 and 7 refresh your
15 recollection as to how much you claim was
16 withdrawn from your ILV enterprise Commerce
17 account?

18 A. This is the amount that is in the
19 opinion of order, yes.

20 MR. MALLON: Those documents are
21 marked as 7 and 8 not 6 and 7.

22 MR. STRAZZERI: Thank you.

23 Q. How much did you claim in that
24 action was withdrawn from your account?

25 A. It says \$1,860 .

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2 Q. Go back to the complaint that you
3 filed against Commerce Bank which is identified as
4 Exhibit 6. We were looking at paragraph 21. You
5 state here that "On May 22, 2005 you discovered
6 that your business checking account balance was
7 incorrect when you were unable to execute a debit
8 card purchase at an office supply store." Is that
9 correct?

10 A. Correct.

11 Q. Was that the first time that you
12 learned that money had been withdrawn from that
13 account?

14 A. That is when I discovered it.

15 Q. Is that when you discovered the
16 identity theft?

17 A. No.

18 Q. When did you discover the identity
19 theft?

20 A. At the beginning of the year in the
21 first quarter of 2005.

22 Q. How did you discover it?

23 A. By way of the IRS. I called the
24 IRS to ask a question and they stated that my -- I
25 gave the incorrect address and through

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2 conversation I realized that a fraudulent tax
3 return had been filed through H&R Block.

4 Q. When is the first time that you
5 learned of any fraudulent withdrawal from your
6 Commerce Bank account?

7 A. 2005, May.

8 Q. What did you know with respect to
9 your identity being stolen prior to May 22nd,
10 2005?

11 A. I knew that a fraudulent tax return
12 had been filed and that is when I discovered all
13 of the -- I read articles about the bank data
14 theft.

15 Q. Tell me more about the IRS filing.

16 A. I called the IRS to ask a question
17 because it was the beginning of tax season, as
18 they were identifying me they stated that the
19 address that I gave was not the correct address.
20 And I said what address do you have and I found
21 out that it was a Pennsylvania address and so
22 well, I said I don't live in Pennsylvania. And
23 through conversation I learned that a fraudulent
24 tax return was filed electronically through
25 H&R Block and the identity thieves got away with a

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2 little over \$5,000 in a refund.

3 Q. When did that occur?

4 A. First quarter, 2005. So, January,
5 February, March.

6 Q. That is when you learned of it?

7 A. In the first quarter of 2005, yes.

8 Q. Did you learn when the theft
9 occurred?

10 A. What theft?

11 Q. Did you learn when the fraudulent
12 tax return was filed?

13 A. Yes, during that conversation with
14 the IRS.

15 Q. When did they tell you the return
16 was filed?

17 A. It was filed electronically I
18 believe in late January, early February, 2005.

19 Q. So you had learned about it very
20 soon after it occurred?

21 A. Yes, fairly soon, yes.

22 Q. Describe what happened when you
23 spoke with the IRS?

24 A. I proceeded to question them as to
25 what was happening, how could that occur. It was

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2 quite shocking to me at the end of the
3 conversation that anyone's tax account can be
4 altered by way of submitting a tax return. My
5 address was altered. And there was nothing that
6 the IRS could do. They had no identity theft
7 help. There was just nothing.

8 Q. So the address that the IRS -- what
9 address did the IRS have for you?

10 A. They had an address in
11 Pennsylvania. I don't remember what address that
12 they had. But they had an address in Pennsylvania
13 because the identity thieves went to an H&R Block
14 in Pennsylvania and used fraudulent documents and
15 filed a fraudulent return and got that return.

16 Q. So the U.S. Internal Revenue
17 Service had that you, Keisha A. Jones' address was
18 in Pennsylvania?

19 A. It was a Pennsylvania address, yes
20 by way of the return. When you submit a return,
21 whatever is on that return gets attached to your
22 tax account. So for me to actually get it back to
23 normal or to correct the record, I had to submit a
24 paper return and then that paper return overrode
25 the fraudulent return.

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2 Q. Were you owed money from the IRS?

3 A. I don't recall. I may have been
4 due a refund. I honestly don't recall. That
5 would have been '04, so the tax year '04, '05, I
6 don't recall.7 Q. Have you ever seen the fraudulent
8 filing?

9 A. No, because it was electronic.

10 Q. How do you know that they were able
11 to receive a refund of over \$5,000?12 A. Because that is what the IRS issued
13 a check for or they issued a direct deposit into
14 the identity thief's account, wherever it was and
15 the rapid refund was done electronically.16 Q. Do you have any details regarding
17 the account to which they transferred the money?18 A. I don't have the details. The IRS
19 has the details.20 Q. Do you know any details regarding
21 the investigation by the IRS?22 A. I do not. I did ask about follow
23 up but once it goes to the OIG, you're out of the
24 loop. You report it and that's it. At least at
25 that point in time. Things may have changed since

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2 then.

3 Q. Do you know who did it?

4 A. I don't know who did it.

5 Q. Do you suspect anyone?

6 A. Not anyone personally. I mean I
7 hold H&R Block responsible, yes, but you know.

8 Q. Why?

9 A. Because -- it just seemed like an
10 inside job to me, but that is just from where I
11 sit because I'm the victim and I just -- that is
12 just what I believe.

13 Q. What do you mean inside job?

14 A. I just believe that people were
15 just in cahoots and as things start to happen when
16 I found out that this all happened through
17 H&R Block, I did a quick search and sure enough as
18 you read articles you see that H&R Block has been
19 involved in these kinds of things before where
20 fraudulent tax returns were filed, but they are
21 all independently owned.22 I can't say H&R Block are
23 responsible, this is something that goes on. It
24 was news to me. I don't use H&R Block I have a
25 personal tax accountant. It was all news to me

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2 because I didn't know that these things just
3 happen. Just like that.

4 Q. When did you go to H&R Block?

5 A. I never went to H&R Block.

6 Q. Were you using your accountant in
7 2004?

8 A. In 2004, yes.

9 Q. Why did you call the IRS?

10 A. I wanted to ask a question.

11 Q. What question?

12 A. I don't recall what the question
13 was in 2005, January. But I did call to ask a
14 question and it's a good thing that I did.

15 Q. Did you ask your accountant the
16 question?

17 A. No. Maybe I did, maybe I didn't, I
18 don't know. But that was the reason for the call
19 to the IRS.

20 Q. Did you submit a corrected filing,
21 tax filing for 2004?

22 A. I submitted a paper return, yes.

23 Q. Did you receive a refund?

24 A. I did not receive a refund, I don't
25 believe, because all that was going on. So there

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2 was already a refund issued. The tax return was
3 basically to get the account back to where it
4 needed to be with my correct information. I don't
5 recall if I was due a refund on that particular
6 return.

7 Q. How did the individual get the
8 refund of \$5,000 but you didn't get a refund?

9 A. Because they filed electronically.
10 They got a direct deposit into whatever account
11 they opened so they got the money that way, and
12 then after I found out what was happening and then
13 at some point in the year, I don't remember when,
14 I had to file a paper return to correct the record. But I
15 don't recall on that return if I was due a refund
16 or if I actually owed money.

17 Q. The IRS, what social security number
18 did they have for you?

19 A. My social security number was
20 correct.

21 Q. Was your birthday the same?

22 A. The IRS -- I don't recall if that
23 piece of information had been changed. The focus
24 was on the address. But I don't think the
25 birthday came into play. It was obviously the

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2 social, they filed it under my social.

3 Q. So your name and social security?

4 A. At a minimum they also did a credit
5 check. In order to get a rapid refund H&R Block
6 checks your credit and at that point I didn't know
7 what was happening and there was no security
8 freeze or anything like that and I put the pieces
9 together and that is how it happened.10 Q. The IRS issued a refund based on
11 your name and social security number?

12 A. That's correct.

13 Q. But a different address that was
14 located in Philadelphia?

15 A. Correct?

16 Q. Did you receive any documents from
17 the IRS concerning the matter?

18 A. No.

19 Q. Do you have any written -- did you
20 have any written correspondence with the IRS
21 regarding it?

22 A. No.

23 Q. This was all over the telephone?

24 A. Correct.

25 Q. Did you report the incident to

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2 anyone?

3 A. I filed a police report in 2005.

4 Q. Did you file a police report
5 concerning the fraudulent tax filing?

6 A. Once you file a police report, it
7 is one police report, identity theft, all the
8 subsequent incidents that happened after that you
9 don't file a new report, it is just -- it is
10 already documented that fraud has occurred.

11 (Jones Exhibit 9 for identification,

12 Miss Jones' identity theft police report.)

13 Q. I show you now what is mark as
14 Jones Exhibit 9. Do you recognize this document?
15 It is one that your attorneys produced in this
16 litigation?

17 A. Yes.

18 Q. What is it?

19 A. It is my identity theft police
20 report.

21 Q. Where did you obtain the record?

22 A. I'm sorry?

23 Q. Where did you obtain this document?

24 A. The 44th precinct in the Bronx.

25 Q. This physical piece paper you got

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2 from the 44th precinct in the Bronx?

3 A. Correct.

4 Q. When?

5 A. When I filed my police report I got
6 a report then and I went back and asked them to
7 give me another copy. It was printed on
8 November 10, 2011.

9 Q. Where was it printed?

10 A. At the 44th precinct.

11 Q. So you went down there personally?

12 A. And asked for another copy.

13 Q. And they printed it out for you?

14 A. Correct, maybe not, maybe they
15 didn't -- let's see, NYPD.org, okay, so, yes, they
16 did.17 Q. Do you have a recollection of them
18 printing and handing you a report on November 10,
19 2011?20 A. Yes, that is the date because that
21 is what is printed at the bottom.22 Q. Do you have a recollection of
23 having them print and hand you a report on that
24 date?

25 A. Yes, I do. That is what it says.

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2 Q. Did you have a copy of any police
3 report prior to November 10, 2011?4 A. Yes, I had the original report from
5 2005 when I filed it.

6 Q. How did you file it?

7 A. I'm sorry?

8 Q. Describe how you filed the report?

9 A. I went to the precinct and the
10 police officer took the report with my credit
11 report.12 Q. What do you mean with your credit
13 report?14 A. I had to give them -- I had to go
15 in with my credit report to show someone was
16 opening accounts in my name.

17 Q. Which credit report did you bring?

18 A. Experian.

19 Q. Did you bring any other reports?

20 A. At the time, maybe Equifax, I
21 believe.22 Q. How did you know -- describe the
23 first instance that you spoke to the police regarding
24 alleged identity theft?

25 A. When I spoke to the police, let me

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2 capture the date. The date here is February 17th,
3 2005, so I filed it based on the fraudulent tax
4 return as well as the credit reports that I had in
5 my possession at the time.

6 Q. What did the credit reports have to
7 do with the tax return?

8 A. Those were the two pieces of
9 information with respect to why I was complaining
10 about identity theft.

11 Q. How did the credit reports relate?

12 A. It had fraudulent information on it
13 at the time.

14 Q. What information was fraudulent?

15 A. I think there was an account or two
16 opened.

17 Q. What information do you recall?

18 A. I just recall some sort of credit
19 accounts I don't know if it was like a toy store
20 or something like that. But it was a fraudulent
21 account that was definitely opened and it wasn't
22 my account.

23 Q. Do you remember who it was with?

24 A. No, I don't.

25 Q. Do you know what information it

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2 displayed regarding the account?

3 A. It displayed an open account. Yes.

4 It was an account that didn't belong to me,
5 because I had very few accounts. My finances were
6 quite streamlined.7 Q. So, you reported this incident in
8 person?

9 A. Correct.

10 Q. And that was on you said
11 February 17th, 2005?

12 A. Correct.

13 Q. How did you know -- this was a walk
14 in it indicates?

15 A. Yes.

16 Q. How did you know to bring in your
17 credit disclosure?18 A. Because I called to verify the
19 correct precinct, to make sure that I was going to
20 the correct precinct and when I called them to
21 tell them what was the happening and what I needed
22 to do, they said well -- they asked me, do you
23 have any proof of this and I told them that what I
24 have. I have my credit reports and I told them
25 about the fraudulent tax return and they said

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2 bring what you have.

3 Q. When you called did you report your
4 name to them?

5 A. No, I called to make sure based on
6 my address that that was the correct precinct. I
7 explained what I was complaining about and they
8 told me what I needed to do.

9 Q. Did they record a complaint at that
10 time or did they told you to come in?

11 A. I'm sorry?

12 Q. Did they record any complaint at
13 that time over the phone?

14 A. No.

15 Q. Is February 17th, 2005 the first
16 time that you reported any identity theft to the
17 police?

18 A. Correct.

19 Q. At that point in time the only
20 theft that you were reporting to them pertained to
21 the tax return and items on your credit report?

22 A. Correct.

23 Q. Did you report any other identity
24 theft to the police at that time?

25 A. At that time I believe that is all

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2 that I knew.

3 Q. The report states that you reported
4 someone was using your name and social security
5 number without your permission; is that right?

6 A. That is what the officer wrote.

7 That is not what I said. Because I would never
8 give anybody permission to use my name and social
9 security number. That was the detective's summary
10 of what I was saying.11 Q. Did you give any details other than
12 what he summarized here?13 A. I explained to him in plain
14 language like I'm explaining to you now exactly
15 what happened.16 Q. At this point you didn't tell him
17 anything about an incident at Commerce Bank?

18 A. It had not occurred.

19 Q. And you didn't tell him anything
20 about a State Farm insurance check at this time?

21 A. What State Farm insurance check?

22 Q. There is allegations in the -- do
23 you recall making allegations in your Commerce
24 Bank action about a State Farm, a fraudulent State
25 Farm insurance check?

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2 A. I don't recall offhand, but I mean --

3 Q. We will look at that in more
4 detail.

5 A. Okay.

6 Q. Did you report any other incident
7 of identity theft other than the IRS 2004 filing
8 and certain items on your credit report that you
9 don't recall?10 A. In February, 2005 that is what I
11 knew. I knew about the fraudulent tax return and
12 I had credit reports in at that time.13 Q. Did you tell the police anything
14 about accounts with Central Financial Control or
15 Hahnemann University Hospital?16 A. I was not aware of that at the
17 time.18 Q. Did you tell the police anything
19 about a Comcast Cable account?20 A. I was not aware of that at the
21 time.22 Q. You weren't reporting those issues
23 with those accounts to the police at this time?

24 A. No.

25 Q. Is that right?

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2 A. I reported on February 17th, 2005
3 to NYPD about the fraudulent tax return and the
4 credit reports that I had at the time because that
5 is the information that I had on February 17th,
6 2005.

7 Q. Did those credit reports or
8 disclosures contain any entries regarding Central
9 Financial Control, Hahnemann University Hospital
10 or Comcast Cable?

11 A. I don't recall. I don't recall. I
12 don't know. But I don't recall if it did or did
13 not.

14 Q. Do you recall stating anything to
15 the police regarding any entries regarding those
16 entities?

17 A. I don't recall those entities at
18 that time.

19 Q. Does this report state anything
20 about the Central Financial Control or Hahnemann
21 University Hospital accounts?

22 MR. MALLON: Objection to form. The
23 document speaks for itself.

24 A. The narrative that Detective
25 Graziosi has here is what he captured in terms of

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2 what I was complaining.

3 Q. The report says nothing about
4 Central Financial Control or Hahnemann University
5 Hospital?6 A. Detective Grazzioso did not put
7 that in his narrative.8 Q. The report says nothing about
9 Comcast Cable?

10 A. No.

11 Q. Have you filed any police reports
12 since the incident or the report identified as
13 Jones Exhibit 9?14 A. It is my understanding that when
15 you file a police report regarding identity theft,
16 that it is one police report. So, any instances
17 subsequent to the initial, it is what it is. You
18 don't file individual police reports for
19 individual instances was my understanding when
20 this happened to me in '05. Things may have
21 changed since then, but that was my understanding
22 when I first filed the report.23 Q. Did you ever file a police report
24 or attempt to file a police report after February 17th,
25 2005?

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2 MR. MALLON: Objection, asked and
3 answered. You can answer.

4 A. No.

5 Q. Did you ever file a police report
6 with respect to Commerce Bank?

7 A. No.

8 Q. Did you ever file a police report
9 with respect to Central Financial Control or
10 Hahnemann University Hospital?

11 A. No.

12 Q. Did you ever file a police report
13 with respect to Comcast Cable?

14 A. No.

15 Q. Did you ever verbally or in written
16 communication inform the police of any subsequent
17 theft of your identity?

18 A. No.

19 Q. So this is the last time that you --
20 February 17th, 2005 was the last time you spoke to
21 the police regarding the theft of your identity?

22 A. It is not the last time. But this
23 is the formal complaint that was filed when I
24 initially discovered it.

25 Q. Did you ever inform the police of

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2 any other identity theft other than what you
3 reported on February 17th, 2005?4 A. Yes, I called NYPD when I
5 discovered the money from the Commerce Bank was
6 missing.

7 Q. When was that?

8 A. May 22nd, 2005.

9 Q. That is when you called the police?

10 A. Yes, from the bank branch.

11 Q. Who did you speak with?

12 A. I don't know who I spoke with, but
13 I did speak to someone and I told him that I filed
14 a complaint about identity theft and I was calling
15 because money was stolen from my bank account.
16 And it was through that conversation that we
17 learned that the Pennsylvania ID was indeed
18 legitimate. It was in fact ID from the
19 Pennsylvania DMV.20 I asked NYPD to please double-check
21 that and make sure and we found out that
22 fraudulent documents were used to obtain
23 legitimate Pennsylvania DMV credentials. And I
24 asked NYPD to contact Pennsylvania DMV to let them
25 know what was going on and to make sure that they

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2 blocked my social security number from
3 Pennsylvania DMV's system.

4 Through this process I learned that
5 someone can be out there in 49 other states with a
6 driver's license or a DMV issued ID and I would
7 have no way of knowing about it because the DMVs
8 aren't linked.

9 Q. Someone had a legitimate
10 Pennsylvania ID in your name?

11 A. Name and social. I'm not sure
12 about the DOB.

13 Q. So someone had a legitimate
14 Pennsylvania driver's license in your name and
15 social security number?

16 A. I'm not sure if it was a driver's
17 license or just ID. It was legitimate in the
18 sense that NYPD verified what DMV -- that DMV
19 issued it. Although fraudulent documents were
20 used, it was a legitimate ID because Pennsylvania
21 DMV did issue it using false documents.

22 Q. If someone were to check with the
23 Pennsylvania DMV they would have Keisha A. Jones
24 and your social security matched with the
25 Pennsylvania address?

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2 MR. MALLON: Objection, form.

3 A. I'm not sure exactly what
4 combination of information they would have because
5 NYPD didn't give me the actual ID itself. They
6 gave me the photo of the identity thief that was
7 on the ID. But certainly we did confirm that it
8 was my social security and at least my first and
9 last name. Middle initial, I'm not sure. DOB I'm
10 not sure. Pennsylvania address obviously because
11 it was issued by Pennsylvania DMV.

12 Q. Do you have -- where is that photo?

13 Have you retained it?

14 A. I don't know if I did or if I
15 didn't. But I got it from NYPD.

16 Q. Have you searched for it?

17 A. I wasn't looking for it and I
18 didn't see it in -- when I was cleaning or trying
19 to get organized. So I don't know where it might
20 be.

21 Q. It is a document that would be
22 covered by our request and we will follow up
23 requesting that you produce that document.

24 A. It was from NYPD, so I can
25 certainly go back to the precinct and find out if

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2 they could issue it again.

3 Q. When you called the New York Police
4 Department on May 22, 2005, did you report your
5 name to them?6 A. I called them and stated my name
7 and told them that I already filed a police report
8 regarding identity theft and at that time I
9 explained to them what was happening at that
10 moment while I was standing in the bank branch.11 Q. Did they send you any documents in
12 response to that call?

13 A. No.

14 Q. Was there any report generated as a
15 result of your call, to your knowledge?16 A. No. The only thing that was
17 generated was that photograph from Pennsylvania
18 DMV that NYPD obtained.

19 Q. How did you get that?

20 A. NYPD.

21 Q. Did they mail it to you?

22 A. No, they handed it to me. I was in
23 the precinct.

24 Q. When did you receive that?

25 A. I probably -- I don't remember the

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2 exact date, but it may have been -- I may have
3 after I spoke to them on the phone and left the
4 bank, I may have gone straight to the precinct.

5 Q. Other than -- during that call on
6 May 22nd, did you report the theft of your
7 identity other than with respect to Commerce Bank?

8 A. On May 22nd my call to the police
9 was specifically about the theft at Commerce Bank.

10 Q. It didn't reference your Experian
11 credit file or Central Financial Control or
12 Comcast Cable?

13 A. My communication while I was in the
14 bank with NYPD was specific to the theft that day
15 that I discovered at the bank.

16 Q. At Commerce Bank?

17 A. Correct.

18 Q. Have you formed or contacted the
19 police at any point other than on February 17th, 2005
20 and on May 22, 2005?

21 A. No.

22 Q. Have you ever gotten a report from
23 the police other than what is marked as Exhibit 9?

24 MR. MALLON: Objection, asked and
25 answered.

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2 A. I have one police report.

3 Q. And this is it marked as Exhibit 9?

4 A. Correct.

5 Q. Was the report that you claim to
6 have received from the police on February 17th,
7 2005 identical to the one that appears as Exhibit 9?8 A. Exhibit 9 is what NYPD gave me when
9 I requested it.10 Q. Have you ever received a copy of
11 that report prior to November 10, 2011?12 A. I received a copy of the report
13 shortly after I reported it on February 17th,
14 2005. I had to wait a few days before I could get
15 a copy of the police report after I filed it.

16 Q. How did you get the copy?

17 A. I had to go back into the precinct
18 to pick it up.

19 Q. And they handed you a document?

20 A. Correct.

21 Q. Where is that document?

22 A. I don't have that original
23 document. I'm assuming that I may have
24 inadvertently submitted it and did not realize and
25 didn't keep a copy of the original police report.

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2 Q. Did you make copies of that
3 original report?

4 A. Yes.

5 Q. How many copies?

6 A. I don't recall how many copies, but
7 at least three.

8 Q. Did you send the report anywhere?

9 A. I did. I believe I did.

10 Q. Where did you send the report?

11 A. In 2006 when I got my credit
12 reports I believe I sent that along with a letter
13 and whatever else I need to send after New York
14 State enacted the Security Freeze Law in November
15 of 2006.

16 Q. Where did you send the report?

17 A. To Equifax, Experian and Trans
18 Union.19 Q. Do you have any report of ever
20 having sent a police report to Experian?21 A. I didn't keep a copy. I can't find
22 the copies of the actual letter and attachments
23 that went with it.24 Q. Do you have any evidence indicating
25 that you sent the police report to Experian?

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2 MR. MALLON: Objection, asked and
3 answered.4 A. I produced my receipts that I sent
5 to have my -- for my security freeze as well as
6 the responses that I got back stating that my
7 security freeze was placed in 2006.8 Q. And none of those documents
9 contained a copy of your police report?

10 A. I'm sorry?

11 Q. None of those documents contained a
12 copy of your police report; correct?13 A. I didn't keep a copy of my
14 attachments and what I put in the envelope. I did
15 submit to you -- submit the receipts that I got in
16 terms of my mailing receipts. But for some reason
17 I can't find documents that went with that.18 Q. Do you have any evidence that you
19 sent the police report to Experian?

20 MR. MALLON: Same objection.

21 A. I didn't keep a copy of the
22 attachments or I can't find them at the moment.
23 So I don't have the actual letter and attachments
24 that went with it.

25 Q. So am I correct that you have no

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2 evidence that you sent the police report to
3 Experian in 2006?4 MR. MALLON: Objection, misstates her
5 testimony, asked and answered.6 A. I can't find my copies at the
7 moment.8 Q. Other than the copies that you
9 don't have, is there any other evidence indicating
10 that you sent a police report to Experian in 2006?

11 MR. MALLON: Objection to form.

12 A. Repeat the question.

13 Q. Other than the copies that you
14 can't find, is there any other evidence indicating
15 that you sent a police report to Experian in 2006?

16 MR. MALLON: Objection to form.

17 A. My security freeze was placed and,
18 you know, my identity theft fraud alerts and all
19 of that is on the report. So I'm assuming that
20 you all got it, because it is notated on my credit
21 reports.22 Q. So the basis for -- is your basis
23 for believing that you sent the report solely that
24 there is a security freeze on your account?

25 MR. MALLON: Objection to form.

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2 A. And the identity theft notations.

3 Q. Is there any basis for believing
4 that you sent the report, the police report to
5 Experian other than the notation on the account
6 and the security freeze?

7 MR. MALLON: Same objection.

8 A. I'm sorry?

9 Q. Is there any basis for believing
10 that you sent the police report to Experian other
11 than the notation on your Experian account and the
12 security freeze?

13 MR. MALLON: Same objection.

14 A. I'm not really clear on your
15 question.

16 Q. We will take a step back.

17 You testified, and correct me if
18 I'm wrong, you're assuming that you sent the
19 police report because there was a security freeze
20 put on your account and because there is a
21 notation regarding identity theft on your file.

22 Am I right?

23 MR. MALLON: Objection, misstates
24 testimony. Go ahead.

25 A. I believe that I sent it in along

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2 with a cover -- a letter with attachments because
3 the purpose of doing so was to get the security
4 freeze because I'm a victim of identity theft.

5 Q. Do you have any actual recollection
6 of sending the police report to Experian?

7 A. I believe I did. I believe I sent
8 the attachment.

9 Q. Do you have any recollection of
10 doing so?

11 A. Yes, I believe so.

12 Q. What is believe so, do you have a
13 recollection or not? That is my question.

14 A. I believe I submitted that along
15 with my letter.

16 Q. Can you recall doing so, the action
17 of sending it?

18 A. I believe so.

19 Q. What act, what facts do you recall
20 regarding sending the report to Experian?

21 A. I believe -- after -- once I knew
22 that the state was going to enact the Security
23 Freeze Law, I was basically waiting for
24 November 1st. So, I got my letter, I knew I was
25 going to the post office to mail it off and I had

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2 my receipts and I went to the post office and
3 mailed it shortly after, if not the same day that
4 the Security Freeze Law was enacted.

5 At the time I remember -- I said
6 you need to submit whatever you need to submit.

7 I'm not sure if it was a letter or a form.

8 Whatever I needed to do based on that Security
9 Freeze Law in '06 as a victim of identity theft I
10 followed that process and I mailed it.

11 Q. And you recall mailing it?

12 A. Absolutely.

13 Q. Do you have any documents or copies
14 of it?

15 A. I submitted my priority mail
16 receipts, so, it is Plaintiff's file for Experian,
17 so those copies are in there.

18 (Jones Exhibit 10 for identification,
19 Miss Jones' production of documents.)

20 Q. I show you what is now marked as
21 Jones Exhibit 10. Are these the documents that
22 you produced in this action?

23 A. Yes.

24 Q. Direct me to which documents you
25 contend is evidence of sending Experian a copy of